

The Republicans have offered a bill that leaves out 115 million people because most of the patient protections in the plan apply only to self-funded employer plans. This would protect only 48 million of the 161 million with private insurance.

Our bill establishes a minimum level of patient protections by which managed care plans must abide. States can—and it's my hope that states will—provide even greater protections, as necessary, for the individuals in such plans in their states. As a starting point, however, we need to pass a strong and substantive managed care reform bill.

The American people want real patient protections.

Our bill, the real Patients' Bill of Rights Act, delivers on what Americans want and need, real protection against insurance company abuse. The bill provides basic protections for Americans, such as:

Access to needed specialists, including access to pediatric specialists;

the guarantee that a patient can see a doctor who is not on their HMO's list if the list does not include a provider qualified to treat their illness;

access to the closest emergency room and coverage of needed emergency care;

the guarantee that patients with ongoing serious conditions like cancer, arthritis, or heart disease can see their oncologist, rheumatologist, or cardiologist without asking permission from their HMO or primary care doctor each time;

the guarantee that patients can continue to see their doctor through a course of treatment or a pregnancy, even if their HMO drops their doctor from its list or their employer changes HMOs;

the guarantee that patients can get the prescription drug their doctor says they need, not an inferior substitute the HMO chooses because it's cheaper;

access to quality clinical trials for those with no other hope;

the ability to appeal an HMO's decision to deny or delay care to an independent entity and receive timely, binding decisions;

and, finally, the right to hold HMOs accountable when their decisions to deny or delay care lead to injury or death. Most situations will be resolved through our appeals mechanism. However, I believe that HMOs and insurers should not have special immunity when they harm patients.

No one can argue with the need to ensure access and quality of care for Americans. Over 200 organizations representing patients, consumers, doctors, nurses, women, children, people with disabilities, small businesses, and people of faith support the Democrats' Patients' Bill of Rights.

The Majority pretends that their bill offers real patient protections, but when you read everything below the title, it reads more like an insurers' bill of rights.

We have a chance to pass real and responsible legislation. The time for real reform is now. The American people have been in the waiting room for too long.

TRIBUTE TO JEANMARIE HICKS

Mr. DASCHLE. Mr. President, today I would like to take a moment to acknowledge a remarkable young woman from Rapid City, South Dakota, Jeanmarie Hicks, who was recently selected as the National Winner in the 1999 National Peace Essay Contest sponsored by the United States Institute of Peace.

This year more than 2,500 high school students from all 50 states were asked to express their thoughts on the topic of preventing international violent conflict. Winners from each state were awarded a \$1,000 college scholarship and invited to participate in a week of special activities here in Washington. The National Winner receives an additional \$10,000 college scholarship.

Jeanmarie Hicks, who recently graduated as valedictorian from St. Thomas More High School in Rapid City, wrote an eloquent essay entitled "Preventive Diplomacy in the Iraq-Kuwait Dispute and in the Venezuela Border Dispute." In addition to her writing skills, Jeanmarie recently took first place in South Dakota in both the National French Contest and the National Spanish Contest, and will attend the College of St. Benedict in Minnesota this fall.

I know my colleagues join me in congratulating Jeanmarie on all of her accomplishments, and I ask unanimous consent that her essay be printed in the RECORD.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

PREVENTIVE DIPLOMACY IN THE IRAQ-KUWAIT DISPUTE AND IN THE VENEZUELAN BORDER DISPUTE

(By Jeanmarie Hicks, St. Thomas More High School, January 22, 1999)

"Too little, too late" often in the prevention of violent conflicts holds true (Peck). When the roots of the problem are not identified in time, violence becomes the solution. Preventive diplomacy, one way of avoiding conflicts, can be defined as "action to prevent disputes from arising among parties to prevent existing disputes from escalating into conflicts, and to limit the spread of the latter when they occur" (Boutros-Ghali 45).

Preventive diplomacy protects peace and ultimately people, who suffer greatly in armed conflicts. Preventive diplomacy has been used in many disputes, including the border dispute in Venezuela with Great Britain in the 1890s and in this decade's Iraq-Kuwait dispute. Conflict was prevented in Venezuela. However, preventive action was not effective in Kuwait; and civilians suffered as a result.

The United States' intervention in the border dispute in Venezuela is one example of preventive diplomacy. Unfortunately, the border between Guyana and Venezuela was never clearly defined; and colonial maps were inaccurate (Lombardi 29). From the 1840s until the 1880s, Britain pushed into Venezuela over Guyana's western border by

claiming the area's gold (Lombardi 29), and by asserting that the land from the Rio Essequibo to the Orinoco was part of Guyana (Schomburgk Line) according to colonial maps (Daly 2). Britain was vehement about its right to the land, and Venezuela appealed to the U.S. for aid. Under the Monroe Doctrine, the U.S. states that it will act as a police force to protect Latin America from European influence. The U.S. viewed Britain's occupation of a portion of Venezuela as a breach of the doctrine (Cleveland 93).

Conflict was imminent, as Britain began to prepare its navy for war (Boutwell 4). A solution appeared in 1895 in the person of Secretary of State Richard Olney. Enthusiastic to attempt preventive diplomacy, Olney sent a dispatch to Britain stressing the importance of the Monroe Doctrine. Lord Salisbury of Britain responded, saying that the Monroe Doctrine was not applicable in the Venezuela situation, as no system of government was being forced upon the country (Cleveland 100-101). In addition, Salisbury pointed out that the conflict was not the result of the acquisition of new territory: Guyana owned the territory in question (Boutwell 10).

Olney stressed that the issue was pertinent to American stability, and remained steadfast in his demands (Cleveland 109). When Britain refused to submit, Congress authorized the president's appointment of an investigative committee. Meanwhile, Salisbury and Olney organized a meeting for November 10, 1896. At the meeting, a treaty was written; and the U.S. threatened to use its military to remove Britain from Venezuela's border if necessary. Britain and Venezuela signed the treaty on February 2, 1897, giving Venezuela control of the Rio Orinoco and much of the land behind the Schomburgk Line (Cleveland 117-118). Thus preventive diplomacy on the part of the U.S. was successful, and war was avoided.

The use of preventive diplomacy in the recent Iraq-Kuwait dispute was less successful. Iraq had been part of the Ottoman Empire from the 1700s until 1899, when Britain granted it autonomy (Darwish and Alexander 6). When in 1961, Britain gave Kuwait independence, Iraq claimed that, historically, Kuwait was part of Iraq (Sasson 9). Iraq begrudgingly recognized Kuwait's independence in 1963.

For awhile, relations between the two countries improved as Kuwait aided Iraq monetarily in the Iran-Iraq War (1980 until 1988) (Sasson 11). After the war, however, Iraq demanded money from Kuwait for reconstruction. Then Iraq accused Kuwait of drilling oil from the border without sharing and of taking more oil than the Organization of Petroleum Exporting Countries (OPEC) quota permitted (Sasson 12). Iraq began to threaten Kuwait borders, beginning a conflict that would take thousands of soldiers away from their homes, harm civilians, and detrimentally affect the environment.

In 1990, Iraq began to mobilize near the Kuwait border (Darwish and Alexander 6). Arab nations made unsuccessful attempts at preventive diplomacy (U.S. News & World Report 99). Surrounding nations attempted unsuccessfully to meet with Saddam Hussein. Iraq invaded Kuwait, took control of its capital on August 2, 1990, and installed a puppet government under Hussein's command. Iraqi soldiers brutally raped Kuwaiti women, and killed any civilian who was considered an obstruction (Sasson 76). At this point, the United Nations Security Council and the Arab League placed an embargo on Iraqi oil as punishment. Iraq, in response, annexed Kuwait (U.S. News & World Report 95-96).

War was imminent. On November 29, 1990, Iraq showed no signs that it would retreat. The United Nations Security Council declared that the coalition should use all

means to expel Iraq from Kuwait if Iraq remained there after January 15, 1991 (Gordon and Trainor 195). In a final attempt at preventive diplomacy on January 9, James Baker of the U.S. met with Iraq's foreign minister, Tariq Aziz. Baker stressed that the coalition was willing to fight, and encouraged Iraq to leave Kuwait (U.S. News & World Report 199). Iraq, however, refused to retreat; and Hussein declared that Iraq would fight a "holy war" for Kuwait. The world realized that war was the only means of solving the problem (Gordon and Trainor 197-198).

Air assaults began on January 17, and land war began on February 24 (U.S. News & World Report). Iraqi civilian casualties were heavy. The land war lasted only 100 hours, but numerous oil wells were set afire, causing the emission of dangerous gases. Peace was never truly made. Hussein resisted the requirements for peace, including frequent United Nations inspections and the prohibition of possession of nuclear weapons (U.S. News & World Report 447).

The consequences of the Iraq-Kuwait conflict are grave. Civilians of both Iraq and Kuwait suffered. Fires in oil wells caused dangerous air pollution. American soldiers suffer from the so-called Gulf War Syndrome, which has caused a number of afflictions and death. The Syndrome is believed to have resulted from the biological and chemical weapons and the gases emitted by the oil wells (Eddington 1-2).

As illustrated, preventive diplomacy can affect the outcome of imminent disputes. Various factors affect its success. In the Venezuela border dispute, preventive diplomacy was effective for several reasons. First, the problem was recognized early; and neither side was truly battle-ready. Second, the problem was contained, in that only four nations (Venezuela, Britain, Guyana, and the U.S.) were involved. Finally, both sides were willing to cooperate: the U.S. supported the Monroe Doctrine, and Britain decided that the border area was not worth war.

Preventive diplomacy was not effective in the Iraq-Kuwait dispute. First, the problem was not recognized and acted upon until Iraq had mobilized in Kuwait. Second, many nations were involved in the conflict, putting Iraq on the defensive. Problem solving was made a worldwide effort rather than an isolated effort concerning Iraq, Kuwait, and a few mediators. Finally, Hussein and the Iraqis were and remain unwilling to cooperate for peace, as illustrated by the recent problems with weapons' inspections.

With increasingly powerful weapons of mass destruction, preventive diplomacy is particularly important. Moreover, preventing crises is more effective than dealing with the consequences of armed conflict (USIA Electronic Journals). Consequently, some factors could be initiated to make preventive diplomacy more effective in the future. First, nations must learn about other nations' cultures in order to learn respect for the people ("Stopping War Before It Starts"). Children should be taught about the other countries' histories and cultures in school; and current information about events abroad should be readily available to the public. Secondly, acceptable political behavior must be explicitly defined by an international council that all nations will be aware of the consequences of their actions (Kennan 83). The ownership of nuclear weapons, for example, should be limited. An international council would deal with breaches of the rule by inspections, reprimands, and military action, if necessary.

Preventive diplomacy centers must be established in all regions (Peck). Each center would have professional peacemakers and staffs, and report to the previously men-

tioned international council, for international cooperation is important in the prevention of war in that all nations must cooperate to maintain good relations, and thus peace ("Preventive Diplomacy in Action"). The centers would watch for signs of conflict, study causes, and train diplomats. With centers in all regions, conflicts could be dealt with immediately. The involved nations would not need to feel threatened, unless preventive diplomacy is refused, in which case, the nations in the council would unite militarily to maintain peace. If a potential conflict was identified, the center would react by gathering representatives from each party (Peck). The center's diplomats would facilitate negotiation by suggesting ways to make concessions; and hopefully, war would be prevented.

Preventive diplomacy, when used effectively as in Venezuela, aids in the avoiding of armed conflict. However, as apparent in the tragedy in the Iraq-Kuwait dispute, when preventive diplomacy is not effective, people on both sides of the conflict and resources suffer. Certain measures, including regional centers, the consolidation of the problem, and cooperation, should be taken for optimum effectiveness. Preventive diplomacy can make the difference between bloodshed and peace, which is necessary for survival in these times of technological advances in weaponry. As Abraham Lincoln said in his second inaugural address, "Let us strive . . . to do all which may achieve a just and lasting peace among ourselves and all nations" (qtd. in Boutwell 16).

INTELLECTUAL PROPERTY BILLS

Mr. LEAHY. Mr. President, on July 1, 1999, just before last week's recess, the Senate passed four bills which Senator HATCH and I had joined in introducing and which the Judiciary Committee had unanimously reported on the same day as Senate passage. These four bills would reauthorize the Patent and Trademark Office, update the statutory damages available under the Copyright Act, make technical corrections to two new copyright laws enacted last year, and prevent trademark dilution. Each of these bills makes important improvements to our intellectual property laws, and I congratulate Senator HATCH for his leadership in moving these bills promptly through the Committee and the Senate.

Passage of these four bills is a good start, but we must not lose sight of the other copyright and patent issues requiring our attention before the end of this Congress. The Senate Judiciary Committee has a full slate of intellectual property matters to consider and I am pleased to work on a bipartisan basis with the chairman on an agenda to provide the creators and inventors of copyrighted and patented works with the protection they may need in our global economy, while at the same time providing libraries, educational institutions and other users with the clarity they need as to what constitutes a fair use of such works.

Among the other important intellectual property matters for us to consider are the following:

Distance education. The Senate Judiciary Committee held a hearing in May on the Copyright Office's thorough and

balanced report on copyright and digital distance education. We need to address the legislative recommendations outlined in that report to ensure that our laws permit the appropriate use of copyrighted works in valid distance learning activities.

Patent reform. A critical matter on the intellectual property agenda, important to the nation's economic future, is reform of our patent laws. I worked on a bipartisan basis in the last Congress to get the Omnibus Patent Act, S. 507, reported by the Judiciary Committee to the Senate by a vote of 17 to one, and then tried to have this bill considered and passed by the Senate. Unfortunately, the bill became stalled due to resistance by some in the majority. We should consider and pass this important legislation.

Madrid Protocol Implementation Act. I introduced this legislation, S. 671, to help American businesses, and especially small and medium-sized companies, protect their trademarks as they expand into international markets by conforming American trademark application procedures to the terms of the Protocol in anticipation of the U.S.'s eventual ratification of the treaty. Ratification by the United States of this treaty would help create a "one stop" international trademark registration process, which would be an enormous benefit for American businesses.

Database protection. I noted upon passage of the Digital Millennium Copyright Act last year that there was not enough time before the end of that Congress to give due consideration to the issue of database protection, and that I hoped the Senate Judiciary Committee would hold hearings and consider database protection legislation in this Congress, with a commitment to make more progress. I support legal protection against commercial misappropriation of collections of information, but am sensitive to the concerns raised by the Administration, the libraries, certain educational institutions, and the scientific community. This is a complex and important matter that I look forward to considering in this Congress.

Tampering with product identification codes. Product identification codes provide a means for manufacturers to track their goods, which can be important to protect consumers in cases of defective, tainted or harmful products and to implement product recalls. Defacing, removing or tampering with product identification codes can thwart these tracking efforts, with potential safety consequences for American consumers. We should examine the scope of, and legislative solutions to remedy, this problem.

Online trademark protection or "cybersquatting." I have long been concerned with protection online of registered trademarks. Indeed, when the Congress passed the Federal Trademark Dilution Act of 1995, I noted that:

[A]lthough no one else has yet considered this application, it is my hope that this